

R E M A R K S

The allowance of claims 24-26 and the indication that claims 4-12 and 19-23 would be allowable if placed in independent form is acknowledged. The indication on the Summary Sheet that claims 2 and 14-16 would be allowable appears to be incorrect in view of their specific rejection set forth on Page 2 of the Office Action.

Claims 4, 10 and 19 have been placed in independent form, including all of the limitations of their base claim 1, and any intervening claims, and hence, should now be in a condition for allowance. Therefore, claims 4-12 and 19-23 are believed to now be in a condition for allowance and such action is respectfully requested.

Rejection

Claims 1-3 and 13-18 were rejected under §103 as being unpatentable over Isbrandtsen in view of Derby or Derby and Becker. Reconsideration and allowance of these claims in view of the following comments is requested.

Claims 1-3 and 13-18 define a specific construction and arrangement of connecting a liner in a bag so that when the contents are discharged from the liner, it can collapse upon itself without being substantially restricted from collapsing by the bag. In short, these claims define a specific combination, construction and arrangement which retains the liner of the bag while allowing it to collapse upon itself without being restrained from doing so by the bag.

Applicants' discovered that in the prior art, such as that shown in U.S. patent 4,597,102 (copy enclosed), the liner is secured to the bag so that when its contents is discharged, they must collapse together. This results in so much stress being placed on the liner that it tears away from the bag thereby destroying the liner and spilling its contents in the bag which can result in contamination of its contents.

When the contents are discharged, the liner collapses or is drawn onto itself by the partial vacuum created within the liner by its contents being discharged.

Applicants solved this problem by utilizing at least two connectors spaced apart from each other and each located adjacent the sidewall portion of the bag and also adjacent the end of the bag and liner having a discharge opening therethrough with all of the connectors being spaced apart, located and arranged so that the liner is not drawn out of the bag and will collapse upon itself independently of the bag during discharge of its contents. Neither the problem confronting applicants', any solution thereto, nor applicants' specific construction and arrangement is disclosed or suggested by the prior art references of record.

Isbrandtsen

Isbrandtsen shows a generally cubical rigid container or box 10 with a flexible bag 11 received therein and the bag is secured to the container by a plurality of straps 29 adjacent its stop. The bag has an inlet spout 26, a vent 30 in its top, and a discharge spout 28 in its bottom.

Derby

Derby shows a conventional bulk container with an outer flexible bag and an inner flexible liner. The liner is not secured in the bag.

Becker

Becker discloses a flexible container 1 for wine and fruit juices with a liquid type zipper 2 with loops or rings 5 in its corners for easier handling, such as when transporting the container. This container does not have any liner at all.

Non-Obvious Subject Matter

None of these references disclose either the problem confronting the applicants or any solution thereto much less applicants' specific construction and arrangement. In

Isbrandtsen, the liner has a vent 30 and consequently no vacuum is created which would cause it to collapse when its contents are discharged. If it did not have a vent, it would collapse when discharged and be pulled and torn away from the rigid container thereby creating the very problem solved by applicants. This is so because the liner is connected to the container along both sides of its top so that it could not collapse onto itself. Consequently, if this liner was not vented, it would tear away and be destroyed when its contents were discharged.

Similarly, Derby neither presents the problem confronting applicants nor suggests any solution thereto. In Derby, the liner is believed to be independently disconnected from the bag. Therefore, when its contents are discharged, the liner will collapse onto itself and be drawn out of the bag.

Becker does not have any liner at all and, therefore, cannot present the problem confronted by applicants nor any solution thereto.

Since none of these references when considered alone or in combination disclose the problem confronting applicants, any solution thereto, or applicants' specific construction and arrangement and the substantial advantages thereof, these references neither disclose nor suggest to a person of ordinary skill applicants' invention as defined by claims 1-3 and 13-18. Therefore, these claims define patentable subject matter.

Further, for these same reasons, these references appear to have been selected and their combination proposed utilizing the teaching of applicants' invention which use of hindsight is impermissible and expressly precluded by §103.

Moreover, for these reasons, none of these references disclose or suggest which of their numerous elements should be discarded and which selected, reconstructed, rearranged and recombined to produce applicants' specific construction and arrangement and the advantages thereof. Accordingly, claims 1-


3 and 13-18 define patentable subject matter for at least these reasons.

Conclusion

As amended, all of the claims are believed to be directed to and define patentable subject matter for at least the foregoing reasons. Therefore, reconsideration and allowance of this application, as amended, is respectfully requested.

Respectfully submitted,

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Encl.